

REMARKS/ARGUMENTS

Claims 4-7, 9-11, 13-17, 19 and 20 are currently pending. Applicant thanks the Examiner for the kind allowance of claims 4-7, 9-11, 14-15, 17, and 19. Claim 13 has been cancelled without prejudice of the subject matter therein. Claim 16 has been amended to read as originally filed claim 18, as suggested by the Examiner. No new matter has been added.

Claim Objections

Claim 16 was objected to under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim. As the Examiner correctly pointed out, Claim 18 was accidentally cancelled when Claim 16 should have been cancelled. As such, Claim 16 has been amended to read as originally filed Claim 18 as suggested by the Examiner.

It is respectfully requested that this objection be withdrawn.

Double Patenting

Claim 13 stands object to under 37 CFR 1.75 as being a substantial duplicate of Claim 5. Claim 13 has been cancelled without prejudice to the subject matter therein.

Thus, it is respectfully requested that this objection be withdrawn.

Claim Rejection – 35 U.S.C. 102

Claim 20 stands rejected under 35 U.S.C. 102(b) as being allegedly anticipated by McCarville et al. (5,709,893). This rejection is respectfully traversed.

The MPEP states that a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹

The office action states:

“McCarville et al teach[s] a shaping tool comprising a rigid mold (Fig. 12), and shaping means (Fig. 12, #72 and #74) suitable for pushing a part blank into contact with the rigid mold; the tooling being characterized in that the rigid mold is formed of several elements (Fig. 12, #160, #162, #130, and #50) without any connection between them, holding means (Fig. 12, #72/74) being provided to keep the elements normally in contact with each other so as to define a cavity inside; wherein the mould has at least one central element (Fig 12, #50) and two end elements (Fig. 2, #160 and #162), the central element having abutment surface for the end elements and the holding means urging the end elements against the abutment surfaces, independently of the shaping means.”

Claim 20 provides for:

“a rigid mould (10), and shaping means (24) suitable for pushing a part blank (E) into contact with the rigid mould, the tooling being characterized in that the rigid mould (10) is formed of several elements (14, 16) without any connection between them, holding means (36, 36') being provided to keep the said elements normally in contact with each other so as to define a cavity (12) inside which the part blank (E) can be fitted, while enabling the said elements (14, 16) to separate during a cool phase following polymerisation of the blank;

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

wherein the mould comprises at least one central element and two end elements, said central element having abutment surfaces for said end elements and said holding means urging said end elements against said abutment surfaces, independently of said shaping means.”

As provided for in Claim 20, the “holding means urge[s] said end elements against said abutment surfaces, independently of the shaping means.” This is further supported in figures 1, 2, and the specification which states that the “support means comprise means of applying a pressure on the outside 16b of each element 16, to force these elements towards the central element 14. In this case, the pressure application means consist of two flexible leak tight walls 36, for which the peripheral edges are fixed in a leak tight manner onto the envelope 20, the central part of which is kept in contact with the outside face 16b of the corresponding end element 16, under the action of the pressure outside the mould ... More precisely, each of the flexible leak tight walls 26 is located in the space formed in this case between the corresponding end element 16 and the side wall 22 adjacent to the envelope 20. The peripheral edges of each of the flexible and leak tight walls 36 are fixed inside the side walls of the envelope.” (Specification, page 10, lines 5-22). Thus, the holding means urges the end elements against the abutment surface independently of the shaping means.

Referring to the citation cited in the office action, McCarville et al. teaches a “a monolithic graphite tooling include[ing a] lower and upper tool inserts 130 and 132, and left and right side rail tools 160 and 162. The upper and lower tool inserts are configured in a manner similar to that described above with respect to the preferred embodiment.” (Col, 9, lines 1-5). The preferred embodiment of McCarville et al. teaches that the left and right side rail tools 60 and 62 having rigid forming surfaces are then placed adjacent

the left and right cap strips 44 and 46. The left and right side rail tools rest upon the base plate 52. ... the left and right side rail tools may be allowed to float ... [or]
[a]lternatively, the left and right side rail tools 60 and 62 may be indexed into a predetermined position by indexing pins 55.” (Col. 5, lines 44-55).

As further taught by McCarville et al., “a cloth breather material 72 and vacuum bag 74 are then placed over the top of the tools. The vacuum bag 74 is sealed around its periphery edges 76 ... The vacuum bagged graphite tooling assembly is then placed within an autoclave and processed.” (Col. 9, lines 16-21). As such, since the vacuum bag is sealed around the tooling assembly it acts as the shaping means and limits the movement of the left and right side rail tools 60 and 62. As such, the left and right side rail tools 60 and 62 are not independent of the shaping means, as provided for in Claim 20.

Accordingly, since McCarville does not teach a “holding means urging said end elements against said abutment surfaces, independently of said shaping means” as claimed in claim 20, it can not said to anticipate the claimed invention. It is respectfully requested that this rejection be withdrawn.

Request for Allowance

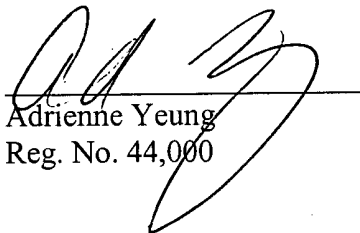
It is believed that this Response places the above-identified patent application into condition for allowance. Early favorable consideration of this application is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,
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